

# **EXHIBIT E**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

**Harrisonburg Division**

**JOHN DOE 1, et al., by and through their  
next friend, NELSON LOPEZ, on behalf of  
themselves and all persons similarly situated,**

*Plaintiffs,*

**v.**

**SHENANDOAH VALLEY JUVENILE  
CENTER COMMISSION,**

*Defendant.*

**CIVIL ACTION**

**Case No.: 5:17-cv-00097-EKD**

**Honorable Elizabeth K. Dillon**

**AFFIDAVIT**

**COMMONWEALTH OF VIRGINIA  
COUNTY OF AUGUSTA:**

This day, Carina Contreras, Case Manager for Shenandoah Valley Juvenile Center Commission, appeared before the undersigned notary public and made oath to the following based on her personal knowledge:

1. I am employed as a case manager for Shenandoah Valley Juvenile Center Commission ("SVJC").
2. I am the case manager for the individual identified by Plaintiffs as "D.M."
3. As his case manager, I supervised and oversaw all aspects of D.M.'s care and placement at SVJC.
4. I am a custodian of and have access to D.M.'s case file in the performance of my employment responsibilities.
5. All records referenced by and attached to this affidavit:
  - (a) Are true, accurate, and complete copies of records regularly maintained by SVJC as part of D.M.'s case file in the ordinary course of business;
  - (b) Are made at or near the time of the actions and events described therein;

- (c) Are prepared using information provided by persons with knowledge of the actions and events described therein; and
- (d) Are made and maintained as a regular practice by SVJC.

6. D.M. was placed at SVJC due to attacks on staff, physical aggression, and suicidal ideation at a prior lower-security placement.

7. SVJC staff were not involved in the transporting D.M. to SVJC from his prior placement.

8. D.M. was the subject of numerous significant incident reports while at SVJC, including several instances in which D.M. was observed engaging in self-harm.

9. In each of those instances, SVJC staff exhausted all less intensive interventions to persuade D.M. to stop self-harming and only used the emergency restraint chair when other measures had failed.

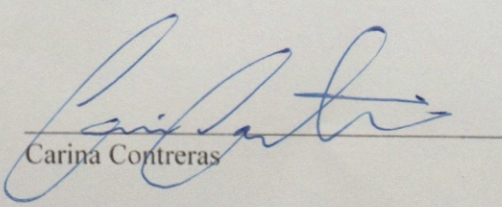
10. In most instances, verbal intervention and temporary physical restraint by staff were successful in stopping D.M. from self-harming.

11. Copies of reports showing the interventions successfully utilized by staff in those incidents are attached as Exhibits E-1 through E-3.

12. D.M. was placed in the emergency restraint chair on one occasion at SVJC after all other measures had been unsuccessful in preventing him from engaging in further self-harm.

13. SVJC provided constant one-on-one supervision while D.M. was restrained in the chair.

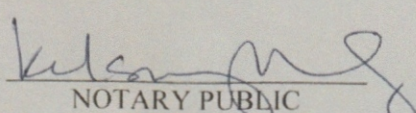
14. D.M.'s was admitted to the psychiatric hospital at the Commonwealth Center for Children and Adolescents following the incident.

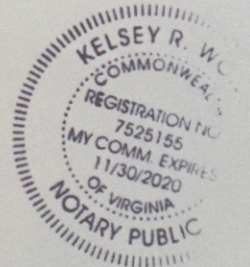
  
Carina Contreras

Subscribed and sworn before me this 21 day of March 2018 by Carina Contreras.

My commission expires 11/30/2020.

Notary Registration No. 7525155.

  
NOTARY PUBLIC







UAC Basic Information

First Name:

Last Name:

AKA:

Status: ADMITTED

Date of Birth:

Gender:

M

Alien No.: 206369172

LOS:

21

Age: 17

Current Program:

Shenandoah Valley Staff Secure

Country of Birth: Honduras

Admitted Date:

9/15/2014

Significant Incident Report

Date of Incident: 10/5/2014

Time of Incident: 06:00 PM

Incident Reported Date: 10/6/2014

Incident Reported Time: 11:15 AM

Location Of Incident: SVJC School Hallway

Incident Type:

Unauthorized Absence: ☐ Runaway  
☐ Unauthorized Attempt/Runaway Risk  
☐ Unauthorized Absence of UAC (foster care)

Abuse Allegation: Type of Abuse

☐ Physical Abuse  
☐ Sexual Abuse  
☐ Verbal Abuse  
☐ Child Neglect  
☐ Other Abuse

Abuse Allegation: Alleged Perpetrator -- Select Abuse Allegation Type --

UAC Behavior:

☐ Physical Aggression ☐ Incident Requiring Isolation ☐ Sexual Assault ☐ Harm to Staff  
☐ Inappropriate Sexual Behavior ☐ Sexual Harm to other UAC ☐ Physical Harm to Other UAC ☒ Verbal Aggression  
☐ Possession/Use of Weapon ☒ Harm to Self ☒ Disruptive Behavior ☒ Suicide Ideation/Gesture/Attempt  
☐ Arrest and/or Incarceration of a UAC ☐ Possession/Use of Drugs/Alcohol ☒ Restraint of UAC

Medical/Mental Health:

☐ Death of UAC  
☒ Mental Health Emergency  
☐ Injury Requiring Medical Attention  
☐ UAC Pregnant  
☐ Childbirth  
☐ Medication Issue

Other:

☐ Suspected Smuggling/Trafficking Concern  
☐ Incident Involving Community Members  
☐ Incident Involving Media  
☐ Incident Involving Police

Synopsis of Incident:

On 10/05/14 at approximately 1800 hours, minor became increasingly dysregulated and engaged in self-injurious behavior by banging his head forcefully against the

brick wall in the school hallway and screaming that he wanted to die and asked staff allow him to kill himself. This clinician attempted verbal intervention, but minor was unable to calm down and the intensity of the self-injurious behavior escalated. Minor continued to shout that he wanted to die and that he was going to kill himself. Minor was observed responding to auditory hallucinations of a command nature telling him to kill himself and to do what he was thinking of doing. Clinician contacted Valley Community Services Board (CSB) to respond to the facility for an assessment at 1835 hours. Minor was interviewed by Scott Kleinert from Valley CSB Emergency Services at 2010 hours. After CSB evaluator conducted the mental status evaluation, he advised minor is appropriate for admission to CCCA (Commonwealth Center for Children and Adolescents – Psychiatric Hospital). Mr. Kleinert completed the screening paperwork and contacted CCCA. Clinician and facility staff remained with the minor on one to one supervision for stabilization and safety until transfer to CCCA. Minor was picked up by Staunton City Police for transport to CCCA at 0036 hours on 10/06/14 for psychiatric admission.

**Witnesses:** P. Andrew Mayles, Michael Neilson, Devon Snow, Rachel Thacker, Kim Craft, Mr. Perry.

**Staff Response and Intervention:** Clinician supervised minor for stabilization and safety. Minor remained on one to one supervision until transfer to CCCA at 0036 hours on 10/06/14.

**Resolution and Follow-up:** Minor is receiving intensive intervention and close supervision. Case Manager Carina Contreras and clinician will follow up with staff at CCCA to continue with legal, clinical, case management services.

**Recommendations:** Monitor minor and coordinate with CCCA staff and ORR/DCS staff for minor's continuing care.

**Actual or Expected Media Interest:** No actual or expected media interest.

#### Persons/Agency or Relationship to UAC

Contact Name	Agency	Phone No.	Date	Time
Jim Schenkenberg	Project Officer	2024011196	10/6/2014	11:15 AM
Mark Bennett	Contract Field Specialist	2022605738	10/6/2014	11:15 AM
Patricia Melendres	Case Coordinator	7035876557	10/6/2014	11:15 AM
DUCS Hotline	Emergency Voicemail	2024015709	10/6/2014	11:15 AM
Dzifa Awunyo-Akaba	Medical via email		10/6/2014	11:15 AM
David Fink	FFS Supervisor	2025073294	10/6/2014	11:15 AM

#### DHS/ICE Office with Jurisdiction over Minor Involved

**Name:** Paul Trump  
**Title:** DHS/JC  
**Contact Number:** 7035689665

#### Person Filing Report

**Name:** P. Andrew Mayles  
**Title:** Resident in Counseling  
**Contact Number:** 5408860729

#### Contact for Follow-up

**Name:** P. Andrew Mayles  
**Title:** Resident in Counseling  
**Contact Number:** 5408860729

#### Approving Supervisor

**Name:** Cristina Casado  
**Title:** Program Manager

Contact Number: 5408860729

User Notes:

SIR Addendum Notes:

## UAC Basic Information

First Name:

Last Name:

AKA:

Status: ADMITTED

Date of Birth:

Gender:

M

Alien No.: 206369172

LOS:

35

Age: 17

Current Program:

Shenandoah Valley Staff Secure

Country of Birth: Honduras

Admitted Date:

9/15/2014

## Significant Incident Report

Date of Incident: 10/17/2014

Time of Incident: 08:38 PM

Incident Reported Date: 10/18/2014

Incident Reported Time: 01:00 PM

Location Of Incident: Bravo Pod

## Incident Type:

Unauthorized Absence:

- ☐ Runaway  
☐ Unauthorized Attempt/Runaway Risk  
☐ Unauthorized Absence of UAC (foster care)

Abuse Allegation: Type of Abuse

- ☐ Physical Abuse  
☐ Sexual Abuse  
☐ Verbal Abuse  
☐ Child Neglect  
☐ Other Abuse

Abuse Allegation: Alleged Perpetrator -- Select Abuse Allegation Type --

UAC Behavior:

- ☐ Physical Aggression ☐ Incident Requiring Isolation ☐ Sexual Assault ☐ Harm to Staff  
☐ Inappropriate Sexual Behavior ☐ Sexual Harm to other UAC ☐ Physical Harm to Other UAC ☐ Verbal Aggression  
☐ Possession/Use of Weapon ☒ Harm to Self ☐ Disruptive Behavior ☒ Suicide Ideation/Gesture/Attempt  
☐ Arrest and/or Incarceration of a UAC ☐ Possession/Use of Drugs/Alcohol ☒ Restraint of UAC

Medical/Mental Health:

- ☐ Death of UAC  
☐ Mental Health Emergency  
☐ Injury Requiring Medical Attention  
☐ UAC Pregnant  
☐ Childbirth  
☐ Medication Issue

Other:

- ☐ Suspected Smuggling/Trafficking Concern  
☐ Incident Involving Community Members  
☐ Incident Involving Media  
☐ Incident Involving Police

Synopsis of Incident:

On 10/17/14 at 8:38PM, UAC was observed cutting his arm with a staple at his desk. When UAC

saw staff at

the door, he got up from his desk and turned his back to staff so that they could not see his arm. Per staff, UAC had various items with blood on them, scattered throughout his room. UAC was verbally redirected several times and attempted to verbally deescalate the situation. UAC immediately asked staff to leave his room and reported that he does not want to talk. UAC was crying at this time. UAC stated that he wants to die and that staff will not be able to stop him this time. UAC was verbally redirected several times to give Shift Supervisor Craft the staple. He continued to refuse each time while continuing to scratch himself in front of staff and sobbing. After exhausting all forms of verbal intervention, UAC was placed in a physical restraint for the safety of UAC and staff. While in the physical restraint, UAC struggled in the hold and attempted to prevent staff from retrieving the staple. Once staff recovered the staple, UAC began sobbing loudly and attempted to bang his head on his bunk and wall. UAC remained in the physical restraint to prevent further self-harm. While in the hold, staff continued to talk to UAC and he gradually became calmer. Staff cleaned the blood off of UAC's arms and hands. After several minutes, UAC became very calm. At 9:00PM, Clinician Andrew Mayles arrived to meet with UAC. At that time, UAC was released from the physical hold and staff exited the minor's room. UAC met with Clinician Andrew Mayles with Assistant Shift Supervisor Snow present.

**Witnesses:** Ms. Craft, Shift Supervisor Ms. Thacker, Assistant Shift Supervisor Mr. Snow, Assistant Shift Supervisor Mr. Thornton, Staff Mr. Sutherly, Staff P. Andrew Mayles, Resident in Counseling

**Staff Response and Intervention:** On 10/17/14 at 8:38PM, staff observed UAC cutting his arm at his desk with a staple. At that time, staff called for assistance. Staff observed various items with blood on them, scattered throughout his room. Staff attempted to verbally redirect UAC several times and verbally deescalate the situation. UAC refused to give the staple to staff, continued to cry and scratch himself in front of staff. After exhausting all forms of verbal intervention, staff placed UAC in a physical restraint for the safety of UAC and staff. While in the physical hold, staff was able to retrieve the staple. At that time, UAC began sobbing loudly and attempted to bang his head on his bunk and wall. Staff secured UAC in the physical hold to prevent further self-harm. As staff verbally deescalated the situation, UAC gradually became calmer. Staff cleaned the blood off of UAC's arms and hands. At several minutes of talking, UAC became very calm. At 9:00PM, Clinician Andrew Mayles arrived to meet with UAC. At that time, staff released UAC from the physical hold and exited his room. Clinician supervised minor for stabilization and safety with Assistant Shift Supervisor Snow present.

**Resolution and Follow-up:** UAC will remain on Intensive Watch. The facility nurse will follow up on the minor's scratches. UAC has been accepted to Sandy Pines RTC. UAC is currently pending bed space to be available at Sandy Pines RTC for the transfer.

**Recommendations:** It is recommended that UAC continue to receive case management, mental health, legal and medical services.

**Actual or Expected Media Interest:** No actual or expected media interest.

**Persons/Agency or Relationship to UAC**

Contact Name	Agency	Phone No.	Date	Time
DUCS Hotline	sirhotline@acf.hhs.gov	2024015709	10/18/2014	01:00 PM
David Fink	FFS Supervisor	2025073294	10/18/2014	01:00 PM
Mark Bennet	Contract Field Specialist	2022605738	10/18/2014	01:00 PM
Jim Schenkenberg	Project Officer	2024011196	10/18/2014	01:00 PM
Patricia Melendres	Case Coordinator	7035876557	10/18/2014	01:00 PM

**DHS/ICE Office with Jurisdiction over Minor Involved**

**Name:** Paul Trump  
**Title:** DHS/JC  
**Contact Number:** 7035689665

**Person Filing Report**

**Name:** Kelsey Wong  
**Title:** Case Manager



Contact Number: 5408860729

**Contact for Follow-up**

Name: Andrew Mayles

Title: Clinician

Contact Number: 5408860729

**Approving Supervisor**

Name: Cristina Casado

Title: ORR/DCS Program Manager

Contact Number: 5408860729

User Notes:

SIR Addendum Notes:

## UAC Basic Information

First Name:

Last Name:

AKA:

Status: ADMITTED

Date of Birth:

Gender:

M

Alien No.: 206369172

LOS:

35

Age: 17

Current Program:

Shenandoah Valley Staff Secure

Country of Birth: Honduras

Admitted Date:

9/15/2014

## Significant Incident Report

Date of Incident: 10/19/2014

Time of Incident: 09:30 PM

Incident Reported Date: 10/20/2014

Incident Reported Time: 02:35 PM

Location Of Incident: Bravo Pod

## Incident Type:

Unauthorized Absence:

- ☐ Runaway  
☐ Unauthorized Attempt/Runaway Risk  
☐ Unauthorized Absence of UAC (foster care)

Abuse Allegation: Type of Abuse

- ☐ Physical Abuse  
☐ Sexual Abuse  
☐ Verbal Abuse  
☐ Child Neglect  
☐ Other Abuse

Abuse Allegation: Alleged Perpetrator

-- Select Abuse Allegation Type --

UAC Behavior:

- ☐ Physical Aggression ☐ Incident Requiring Isolation ☐ Sexual Assault ☒ Harm to Staff  
☐ Inappropriate Sexual Behavior ☐ Sexual Harm to other UAC ☐ Physical Harm to Other UAC ☐ Verbal Aggression  
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- ☐ Death of UAC  
☐ Mental Health Emergency  
☐ Injury Requiring Medical Attention  
☐ UAC Pregnant  
☐ Childbirth  
☐ Medication Issue

Other:

- ☐ Suspected Smuggling/Trafficking Concern  
☐ Incident Involving Community Members  
☐ Incident Involving Media  
☐ Incident Involving Police

Synopsis of Incident:

On 10/19/14 at 9:30PM right after showers, UAC

expressed wanting to kill himself. UAC began to punch the wall and was

screaming "I hate myself, I want to die". UAC was verbally deescalated by staff and after calming down informed staff that he was still planning on killing himself. Before going to his room, UAC said goodbye to other minors in the program and told them he was going to die. UAC proceeded to enter his room and appeared to be calm. At 9:50PM, UAC's Clinician, Andrew Mayles, was informed about UAC's behavior prior to entering his room. Clinician informed staff to maintain a visual observation of UAC, and if there was any further escalation to contact Valley Community Services Board (CSB). Soon after, UAC began to re-engage in self-injurious behavior. At 10:15PM, UAC was placed in a physical hold by staff for the safety of UAC and prevent any further harm to self. UAC struggled to remain in the physical hold and began to kick staff. Additional staff was called for assistance, and as staff arrived were able to hold UAC's legs down to prevent him from continuing to kick staff. UAC was placed in a sitting position on the floor with the assistance of additional staff. At 10:18PM, CSB was contacted by staff and asked to come to Shenandoah Valley Juvenile Center (SVJC) to conduct a mental status evaluation for UAC. CSB informed staff that Commonwealth Center for Children and Adolescents – Psychiatric Hospital (CCCA) was at full capacity and that they were unable to come evaluate UAC. At this time, UAC continued to be verbally de-escalated by staff in an attempt to calm him down. After calming down, UAC's legs were released but UAC continued to have his arms in the physical hold. UAC was able to express that he did not feel comfortable with being completely released, as he continued to express intent to self-harm. At 10:50PM, UAC informed staff that he thought he was going to be able to remain calm and staff released UAC's arms from the physical hold. At approximately 11:00PM, UAC remained in his room and all staff exited without further incident. At 11:45PM, Lisa Baller from CSB arrived to conduct the interview and mental status evaluation. At 11:50PM, Lisa Baller completed the interview and mental status evaluation. At this time, it was determined that UAC did not meet the criteria for psychiatric hospitalization and did not express plans of self-harm at that time.

**Witnesses:**

Ms. Thacker, Assistant Shift Supervisor Mr. Sutherly, Staff Mr. Simpson, Staff Mr. Jordan, Staff

**Staff Response and Intervention:**

On 10/19/14 at 9:30PM, Mr. Sutherly and Ms. Thacker verbally deescalated UAC after he expressed wanting to kill himself. UAC was able to calm down after verbal de-escalation and informed staff that he was still planning on killing himself. At 9:50PM, staff informed UAC's Clinician, Andrew Mayles, about UAC's comments and behavior. Clinician informed staff to maintain visual observation of UAC now that he was calm, and if there was any further escalation to contact Valley Community Services Board (CSB). Soon after, UAC began to re-engage in self-injurious behavior. At 10:15PM, Mr. Sutherly placed UAC in a physical restraint for the safety of UAC and to prevent any further harm to self. Due to UAC's continued struggle during the physical hold, staff called additional staff to assist. Mr. Simpson and Mr. Jordan arrived on the pod and were able to hold UAC's legs down to prevent him from continuing to kick staff. With staff's assistance, UAC was placed in a sitting position on the floor. At 10:18PM, staff contacted CSB and requested to conduct a mental status evaluation for UAC. Staff continued to use verbal de-escalation in an attempt to calm UAC down, while they waited for the evaluation to be performed. After calming down, Mr. Simpson and Mr. Jordan were able to release UAC's legs. Mr. Sutherly continued to hold UAC's arms in the physical hold, due to UAC continuing to express his intent to self-harm. At 10:50PM, Mr. Sutherly released UAC's arms from the physical hold, due to UAC expressing he was able to remain calm. At approximately 11:00PM, all staff exited UAC's room without further incident. At 11:45PM, Lisa Baller from CSB arrived to conduct the interview and mental status evaluation. At 11:50PM, Lisa Baller completed the interview and mental status evaluation. At this time, it was determined that UAC did not meet the criteria for hospitalization and did not express plans of self-harm at that time.

**Resolution and Follow-up:**

This incident will continue to be staffed with UAC remain on Intensive Watch. The facility nurse will follow up on the minor's scratches. UAC has been accepted to Sandy Pines RTC. UAC is currently pending bed space to be available at Sandy Pines RTC for the transfer. Clinician, Andrew Mayles. UAC will

**Recommendations:**

It is recommended that UAC continue to receive case management, mental health, legal and medical services.

**Actual or Expected Media Interest:**

No actual or expected media interest.

**Persons/Agency or Relationship to UAC**

Contact Name	Agency	Phone No.	Date	Time
David Fink	ORR/DCS FFS	2025073294	10/20/2014	02:35 PM
Jim Schenkenberg	ORR/DCS Project Officer	2024011196	10/20/2014	02:35 PM
Patricia Melendres	GDIT Case Coordinator	7035876557	10/20/2014	02:35 PM
Mark Bennet	ORR/DCS Contract Field Specialist	2022605738	10/20/2014	02:35 PM
DUCS Hotline	sirhotline@acf.hhs.gov		10/20/2014	02:35 PM

**DHS/ICE Office with Jurisdiction over Minor Involved**

Name: Paul Trump

Title: DHS/JC  
Contact Number: 7035689665

**Person Filing Report**

Name: Carina Contreras  
Title: Case Manager  
Contact Number: 5408860729

**Contact for Follow-up**

Name: Carina Contreras  
Title: Case Manager  
Contact Number: 5408860729

**Approving Supervisor**

Name: Cristina Casado  
Title: ORR/DCS Program Manager  
Contact Number: 5408860729

User Notes:

SIR Addendum Notes: